REMARKS

Applicants traverse the restriction and election of species requirements because they run afoul of the explicit dictate of 37 CFR §1.475(b)(3), which states:

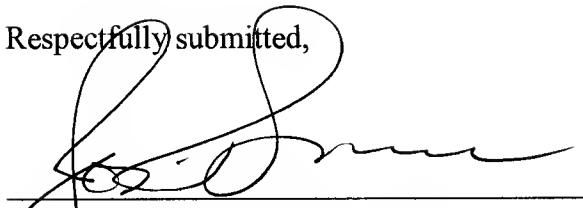
> (b) An international or a national stage application containing claims to different categories of invention **will** be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:
>
> * * *
>
> (3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product.

(Emphasis added.) Note that the language of the rule is **mandatory**, not permissive. If the claim set submitted for examination includes only one of the combination of claim types recited in 37 CFR §1.475(b), the claim set has unity of invention and must be examined in full.

The present application is a US national phase application of PCT application Serial No. PCT/GB2005/000174. Thus, 37 CFR 1.475 applies. Claim 18 is directed to a product (a composition of nanoparticles). Note that claim 18 is a product-by-process claim that specifically refers to any one of claims 1-17. Thus, by definition, Claims 1-17 are directed to a process specially adapted to make the product recited in Claim 18. Claim 19 is a method of using the product recited in Claim 18. In fact, Claim 19 specifically refers to claim 18. Thus, 37 CFR §1.475(b)(3) applies and the claims have unity of invention.

The restriction requirement and the election of species requirement are therefore improper. Withdrawal of both requirements is respectfully requested.

Respectfully submitted,



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